

STATE OF LIBYA  
MINISTRY OF TRANSPORT  
CIVIL AVIATION AUTHORITY



دولة ليبيا  
وزارة المواصلات  
مصلحة الطيران المدني

## LIBYAN CIVIL AVIATION Regulations

# THE CIVIL AVIATION SECURITY REGULATIONS

## LYCAR - Part 108 – Issue 2

*Issue 2 – Amendment 01 – April 2019*

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## Preamble

1. The regulations contained herein are adopted under the provision of Article No.(5) of Libyan Civil Aviation Law No.(6) of 2005, and issued and signed up by the Director General of Civil Aviation by virtue of powers vested from the Minister of Transport under the resolution No.(33) issued on 13/02/2019.
2. This is Amendment 01 of LYCAR – Part 108 Issue 2
3. The Libyan Civil Aviation Regulations - Part 108 Issue 2 Amendment 01 describes the requirement related to the Civil Aviation Security in the State of Libya.
4. LYCAA in development of these regulations has adopted ICAO Annex 17 standards, Recommended Practices and industry best practices.
5. Explanatory and detailed material regarding the Aviation Security shall be found in the LYCAA Advisory circulars.
6. The information contained herein is subject to constant review in the light of changing regulations and requirements. No subscriber or other reader should act on the basis of any such information without also referring to the applicable laws and regulations and/or without taking appropriate professional advice when/as indicated/required. Although, every effort has been made to ensure accuracy, the Libyan Civil Aviation Authority, shall not be held responsible for loss or damage caused by errors, omissions, misprints or misinterpretation of the contents hereof.
7. Copies of this publication can be downloaded from : [www.caa.gov.ly](http://www.caa.gov.ly)

Issued on 9<sup>th</sup> April 2019, and signed by



9.4.19  
Capt. Nasereddin Shaebelain  
Director General

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## **Changes High Lights**

This amendments contains minor corrections of previous version typing mistakes

## SUBPART 1 - INTERPRETATION

### 108.001 - Interpretation

For the purpose of these Regulations:

**“Acts of unlawful interference”** These are acts or attempted acts such as to jeopardize the safety of civil aviation, including but not limited to:

- (a) unlawful seizure of aircraft,
- (b) destruction of an aircraft in service,
- (c) hostage-taking on board aircraft or on aerodromes,
- (d) forcible intrusion on board an aircraft, at an airport or on the premises of an aeronautical facility,
- (e) introduction on board an aircraft or at an airport of a weapon or hazardous device or material intended for criminal purposes,
- (f) use of an aircraft in service for the purpose of causing death, serious bodily injury, or serious damage to property or the environment,
- (g) communication of false information such as to jeopardize the safety of an aircraft in flight or on the ground, of passengers, crew, ground personnel or the general public, at an airport or on the premises of a civil aviation facility.

In addition, for the purposes of these Regulations, it shall include any act mentioned in Law No. 6 of 2005

**“Aerial work”** means an aircraft operation in which an aircraft is used for specialised services such as agriculture, construction, photography, surveying observation and patrol, search and rescue, aerial advertisement, etc.

**“Airport”** is a defined area in land or water associated with buildings, installations and equipment which is either wholly or partly used for takeoff, landing and surface movement of aircraft. For the purposes of these regulations, the following additional interpretations apply:

- (a) International airport means any airport with international commercial air transport operations offered by national and foreign aircraft operators;
- (b) Designated airport means any airport which offers either/or international and domestic services by national carriers, corporate aviation services or general aviation services, where by virtue of a security risk assessment carried out by the Authority, the Standards and Recommended Practices of Annex 17 to the Convention on Civil Aviation shall apply.

**“Airport operator”** means the holder of an approval from the Authority to manage and operate that airport or airport;

**“Airport or airport tenant”** means any enterprise that is resident at an airport or airport and offers services and products at that airport or airport;

**“Aircraft operator”** means a national aircraft operator and a foreign aircraft operator; **“Aircraft Operators Security Programme”** means the written security programme developed by aircraft operators which is approved by the Authority;

**“Aircraft security check”** means an inspection of the interior of an aircraft to which passengers may have had access and an inspection of the hold for the purposes of discovering suspicious objects, weapons explosives or other dangerous devices.

**“Aircraft security search”** means a thorough inspection of the interior and exterior of the aircraft for the purposes of discovering suspicious objects, weapons or other dangerous devices, articles and substances.

**“Airport Security Programme”** means the written security programme developed by an airport or airport operator which is approved by the Authority;



“**Airside**” means the movement area of an airport, adjacent terrain and buildings or portions thereof, access to which is controlled.

“**Airport Authority**” means the entity granted approval by the Authority for the management and operation of an airport or airport;

“**Audit**” shall mean any procedure or process used for compliance monitoring undertaken at national level. It covers security audits, inspections, surveys, tests and investigations;

“**Auditor**” shall mean any person conducting audits at national level;

“**Authority**” means the Libya Civil Aviation Authority (LYCAA), as specified to ICAO as the body responsible for the coordination of the development, implementation, and maintenance of the National Civil Aviation Security Programme

“**Aviation security officer**” means:

- (a) a person who is trained in accordance with the security training requirements of the appropriately approved Airport Security Programme and who has been appointed as an aviation security officer by an airport operator, aircraft operator or airport tenant; and
- (b) any member of the Police and/or Military when assigned airport security duties;

“**aviation security screening officer**” means a person who by virtue of his recruitment and training has been employed by the airport operator, aircraft operator, or airport tenant to carry out aviation security screening duties, and who has been certified as such by the Authority;

“**Background check**” means a check of a person’s identity and previous experience, including where legally permissible, any criminal history, as part of an assessment of an individual’s suitability to implement a security control and/or for unescorted access to a security restricted area;

“**Cargo**” means any property carried on an aircraft other than mail, stores and accompanied or mishandled baggage.

“**Carry-on baggage**” means luggage and personal belongings to which a person will have access while on board an aircraft;

“**Catering stores**” means all items, other than catering supplies, associated with passenger in-flight services, that includes newspapers, magazines, headphones, audio and video tapes, pillows and blankets, amenity kits;

“**Catering supplies**” means food, beverages, other dry stores and associated equipment used on board an aircraft;

“**Checked baggage**” means luggage and personal belongings accepted for transportation by an aircraft operator which is loaded into the hold of the aircraft, and to which a person will not have access while on board an aircraft;

“**Commercial air transport operation**” means an aircraft operation involving the transport of passengers, cargo or mail for remuneration or hire.

“**Corporate aviation**” means the non-commercial operation or use of an aircraft by a company for the carriage of passengers and or goods as an aid to the conduct of company business, flown by a professional pilot employed to fly the aircraft.

“**Dangerous goods**” means articles or substances which are capable of posing significant risk to health, safety or property when transported by air, and which are classified according to the International Civil Aviation Organization Technical Instructions for the Safe Transport of Goods by Air;

“**Deficiency**” shall mean failure to comply with aviation security requirements;

“enhanced security restricted area” means the identified critical parts of security restricted areas of an airport where in addition to access control, the screening of persons and any items they may have in their possession are conducted;

“**Director**” Means the Director of Libya Civil aviation Authority

“**Escort**” means to accompany or supervise an individual who does not have unescorted access to areas restricted for security purposes, as identified in the Airport Security Programme;

“**Firearm**” has the meaning given to it in appropriate Libya legislation;

**“Foreign air operator”** means an aircraft operator who conducts international commercial air transport operations under the terms of an air operator certificate issued by a State other than Libya;

**“Flight catering operator”** means any enterprise that provides catering supplies for consumption on board an aircraft in flight engaged in the carriage of passengers;

**“General aviation”** means an aircraft operation other than a commercial air transport operation or an aerial work operation;

**“Goods”** means personal belongings, baggage, cargo, mail, article, thing or conveyance that may be taken or placed on board an aircraft or taken into a restricted area;

**“Incendiary device”** means an object, other than a match or pocket lighter, that is fabricated with combustible materials and when ignited may cause fire damage to property or inflict burn injuries on individuals;

**“In-flight Security Officer”** means a person who is employed and trained by the Government of Libya, or by the Government of another State, to travel on an aircraft with the purpose of protecting that aircraft and its occupants against acts of unlawful interference. This excludes persons employed to provide exclusive personal protection for one or more specific people travelling on the aircraft, such as personal bodyguards;

**“Inspection”** shall mean an examination of the implementation of one or more aspects of security measures and procedures in order to determine how effectively they are being carried out;

**“Investigation”** shall mean an examination of a security incident and an explanation of its cause in order to avoid recurrence and to consider legal action;

**“National aircraft operator”** means an aircraft operator operating under the authority of an air operator’s certificate issued by the Libya Civil Aviation Authority;

**“Person in custody”** means a person who is for the time being under the control of a law enforcement officer;

**“Personal search”** means a search of the clothing of a person and personal belongings for prohibited items by a designated aviation security officer, an aviation security screening officer or a member of the Libya Police;

**“Quality control programme”** shall mean the National Civil Aviation Security Quality Control Programme;

**“record”** includes any writing, drawing, map, tape, film, photograph, or other means by which information is preserved;

**“Regulated cargo agent”** means an agent, freight forwarder or any other entity who conducts business with an aircraft operator and provides security controls that are accepted or authorized by the Authority in respect of cargo, courier and express parcels or mail;

**“Restricted area”** means any area of an airport that is identified as an area to which access is restricted to authorized persons;

**“Restricted area permit”** means a document issued by the designated airport permit issuing authority, that entitles the holder to have access to a specific restricted area of an airport during a specified period;

**“Screening”** means the application of technical or other means which are intended to detect weapons, explosives or other prohibited items which have been designated as dangerous to aviation security;

**“Screening staff”** includes an aviation security screening officer;

**“security programme”** means an Airport or airport Operator Security Programme, National Aircraft Operator Security Programme, Foreign Aircraft Operator Security Programme, Flight Catering Operator Security Programme, Tenant Restricted Area Security Programme and a Regulated Agent Security Programme, where applicable;

**“Security audit”** shall mean an in-depth examination of all aspects of security measures and procedures in order to determine if they are being implemented on a continual basis and to a constant standard;

**“Security incident”** shall mean an occurrence with negative implications for the security and

safety of persons and property;

**“Security instruction”** means a formal written notification from the Director of LYCAA requiring the recipient to take such security measures as are specified within the instruction;

**“Security restricted area”** means those areas of the airside of an airport which are identified as priority risk areas where in addition to access control, other security controls are applied

**“Enhanced security restricted area”** means:

- (a) an area within a restricted area to which access is controlled by the inspection of persons and property in accordance with these Regulations; and
- (b) a facility within a restricted area of an airport accessible to screened persons and set apart to facilitate security control of persons embarking and disembarking aircraft;

**“Survey”** shall mean an evaluation of operations in order to determine security needs.

This includes the identification of vulnerabilities which could be exploited to carry out an act of unlawful interference, despite the implementation of security measures and procedures, and the recommendation of compensatory protective measures commensurate with the threat to address any identified risk;

**“State”** Means State of Libya

**“Technical Instructions”** means the International Civil Aviation Organization Instructions for the transport of Dangerous Goods by air;

**“Tenant restricted area”** means any area at, or connected to, an airport or airport that has been declared as such in accordance with the appropriate Airport (Restricted Area) Regulations;

**“Test”** shall mean a trial of aviation security measures, where the Authority introduces or simulates intent to commit an unlawful act for the purpose of examining the efficiency and implementation of existing security measures.

**“Transit passenger”** means a passenger departing from an airport on the same flight on which he/she arrived;

**“Transfer passenger”** means a passenger making direct connection between two different flights; and

**“Weapon”** means anything designed, used or capable of inflicting harm and includes a firearm.

### 108.002 - Applicability

These Regulations apply to:

- (a) Airport operators;
- (b) designated airport operators and any other airport operator specified by the Authority
- (c) staff of national aircraft operators;
- (d) staff of foreign aircraft operators located in the State;
- (e) airport tenants and/or operators of Tenant Restricted Areas Designated Airports;
- (f) any person in or within the vicinity of an international airport or designated airport, or any other airport specified by the Director;
- (g) any person who offers goods for transport by air;
- (h) any person who provides a service to an aircraft operator;
- (i) any person on board an aircraft to/from to an airport in the State
- (j) all staff having access to Designated airports.

## **SUBPART 2 - NATIONAL ORGANISATION**

### **108.003 - Authority and National Civil Aviation Security Programme**

- (1) The Libya Civil Aviation Authority (LYCAA) is designated as the Authority for aviation security within Libya, and shall specify this to the International Civil Aviation Organisation (ICAO), and is hereby responsible for the development, and maintenance of the national civil aviation security programme.
- (2) The Authority shall establish, and monitor the implementation of, a written national civil aviation security programme designed to safeguard civil aviation operations against acts of unlawful interference, which takes into account the safety, regularity and efficiency of flights.
- (3) The national civil aviation security programme shall be the repository of national policy of the Government of Libya with regard to civil aviation security measures implemented within Libya and on Libyan registered aircraft, and shall specify the agencies responsible for the implementation of that policy.
- (4) Any person, assigned responsibility for a specific function or task within the national civil aviation security programme, who fails to carry out that function or task, to the standard specified in the national civil aviation security programme, commits an offence under these Regulations, and shall be liable.

## SUBPART 3 - SECURITY PROGRAMMES

### 108.004 - General Conditions for Security Programme

- (1) An international airport operator or designated airport operator shall not operate the airport specified in his approval from the Authority unless he has submitted, for such airport, a proposed Airport Security Programme, which meets the requirements of these Regulations and the Libya National Civil Aviation Security Programme, for approval by the Authority.
- (2) A person shall not operate a Libyan registered aircraft within Libya or internationally unless he has submitted a proposed Airline Operator Security Programme for his operations, to the Authority for approval.
- (3) A foreign airline operator shall not conduct operations in Libya unless he has submitted a proposed Airline Operator Security Programme as part of his application for air services to the Authority for its acceptance.
- (4) A person shall not operate an enterprise or an organization whose purpose is the movement of cargo by air, within and through Libya, unless he has submitted a proposed Cargo Operator Security Programme for his operations, to the Authority for approval.
- (5) A person shall not operate an enterprise or an organization whose purpose is the provision of catering supplies and stores for use in air transport, within and through Libya, unless he has submitted a proposed Flight Catering Operator Security Programme for his operations, to the Authority for approval.
- (6) A person shall not operate an enterprise or an organization which provides a service at, or connected with, any designated airport within Libya, whether or not that service provider occupies land deemed to be a Tenant Restricted Area under the appropriate Airport (Restricted Area) Regulations, unless he has submitted a proposed Aviation Service Provider Security Programme or Tenant Restricted Area Security Programme for his operations, to the Authority for approval.
- (7) Where a person wishes his proposed security programme under this regulation to be approved by the Authority he shall:
  - (a) submit such security programme in writing at least sixty (60) days before the intended date of operations;
  - (b) pay the prescribed fee, if any; and
  - (c) meet the requirements of these Regulations.
- (8) A security programme under these Regulations shall be designed to safeguard against acts of unlawful interference and shall be in such form, manner and content as specified by the Director, and subject to any conditions imposed by the Director.

### 108.005 - Additional requirements for Applications

- (1) Where a person, under regulation 4, submits his security programme as part of his application for:
  - (a) an airport approval from the Authority;
  - (b) an Air Operator Certificate under the appropriate Libya legislation; and
  - (c) a foreign air operator authorization under the appropriate Libya legislation, he shall in addition to meeting the requirements of that approval or authorisation, meet the requirements for his security programme under these Regulations.
- (2) For the purpose of administering these Regulations a security programme shall be assessed by the Director, for adequacy.

### 108.006 - Approval of Security Programmes

- (1) Where the Director is satisfied that a proposed security programme submitted under regulation 108.004, meets the requirements of these Regulations and does not conflict

with the National Civil Aviation Security Programme, he may approve or accept such proposed security programme.

- (2) Where the Director determines that a proposed security programme submitted under regulation 4, requires modification he may direct the applicant to modify and re-submit the proposed security programme for the approval of the Authority.
- (3) An approval under this Regulation does not authorize the airport operator, aircraft operator, regulated cargo agent, flight catering operator, aviation service provider or Tenant Restricted Area operator to implement his proposed security programme until the programme has been evaluated and has been approved for use.
- (4) Where the Director is satisfied that the submitted security programme does not meet the requirements of these Regulations and is in conflict with the National Civil Aviation Security Programme, then such Security Programme will not be approved and the airport operator, aircraft operator, flight catering operator, aviation service provider, tenant restricted area operator, or regulated cargo agent, if he continues operations, commits an offence against these regulations.

#### **108.007 - Contents of an Airport Security Programme**

- (1) An Airport Operator Security Programme required under regulation 4 and 5 in respect of an authorised airport shall be designed to describe the measures in place to safeguard that airport against acts of unlawful interference and shall be in such form, manner and content as specified by the Director.
- (2) An Airport Operator Security Programme under (1) shall be accompanied by a current scale map of the airport.

#### **108.008 - Development of Security Measures**

- (1) In developing an Airport Security Programme under 108.004, an airport operator shall take into consideration the needs of all aviation stakeholders, including;
  - (a) reasonable access to airport facilities and aircraft; and
  - (b) the optimizing of airport security arrangements in his development, renovation and expansion plans.

#### **108.009 - Approved Airport Security Programme**

Upon a proposed Airport Security Programme submitted under 108.004 being approved by the Authority under 108.006, an airport operator shall within thirty days of such acceptance ensure that such Airport Security Programme is implemented and in full operation.

#### **108.010 - Contents of an Aircraft Operator Security Programme**

A proposed Aircraft Operator Security Programme (AOSP) required under 108.004 and 108.005 shall meet the requirements of the National Civil Aviation Security Programme and shall be in such form, manner and content as specified by the Director.

#### **108.011 - Development of Security Measures**

- (1) In addition to the matter set out in 108.010 an aircraft operator shall ensure that his Aircraft Operator Security Programme, required under 108.004, contains:
  - (a) provisions to meet his international obligations; and
  - (b) provisions to meet the requirement of the National Civil Aviation Security Programme.
- (2) In addition to the requirements under (1), a national aircraft operator shall ensure that his Aircraft Operator Security Programme contains the minimum information required as stipulated within the National Civil Aviation Security Programme (NCASP).

#### **108.012 - Approval of Aircraft Operator Security Programme**

Upon a proposed Aircraft Operator Security Programme submitted under 108.004, being

approved or accepted by the Authority under 108.006, the aircraft operator shall within thirty days of such acceptance ensure that such Aircraft Operator Security Programme is implemented and in full operation.

#### **108.013 - Regulated Cargo Agents**

- (1) Any entity wishing to become a Regulated Cargo Agent must apply in writing to the Authority for the granting of such status.
- (2) This application shall contain a copy of their proposed Regulated Cargo Agent Security Programme. The programme shall describe the methods and procedures which are to be followed by the agent in order to comply with the National Civil Aviation Security Programme.
- (3) The programme shall also describe how compliance with these methods and procedures is to be monitored by the agent itself.
- (4) The applicant should also submit a written declaration of its commitment to maintain the standards of security set out in its programme and to notify the Authority promptly of any changes in its programme.
- (5) This application and proposed security programme shall be signed by the legal representative of the cargo agent or by the person responsible for security.

#### **108.014 - Contents of a Regulated Cargo Agent Security Programme**

- (1) A regulated cargo agent shall ensure that his Regulated Cargo Agent Security Programme, required under 108.004, contains:
  - (a) provisions to meet the requirements of the National Civil Aviation Security Programme and his national obligations under this Regulation made thereunder; and
  - (b) include details of procedures for:
    - (i) ensuring the security of goods accepted by him and under his control;
    - (ii) ensuring the security of his buildings, premises, transport facilities and cargo warehouses,
    - (iii) ensuring the security of goods during the transfer from one facility to another;
    - (iv) recruitment and training of staff involved in the handling of goods; and
    - (v) incident reporting.

#### **108.015 - Approval of Regulated Cargo Agent Security Programme**

- (1) Upon receipt of an application for Regulated Cargo Agent status submitted under 108.014, the Authority shall examine the application and accompanying security programme to ensure that the security measures laid down in the programme meet the required standard.
- (2) The Authority shall then make an on-site verification at those premises of the applicant to be covered in order to assess whether the applicant is able to comply with the requirements of the National Civil Aviation Security Programme.
- (3) If the Authority is satisfied with the information provided under (1) and (2), it may designate, approve or list the agent as a regulated agent for specified sites.
- (4) Upon a proposed Regulated Cargo Agent Security Programme submitted under 108.004, being approved by the Authority under 108.006, the regulated cargo agent shall within thirty days of such approval ensure that such approved Regulated Cargo Agent Security Programme is implemented and in full operation.
- (5) Regulated Cargo Agents will have their status reviewed by the Authority at least every five (5) years.
- (6) If at any time, the Authority is no longer satisfied that the regulated cargo agent is able

to comply, or has failed to comply, with the requirements of the National Civil Aviation Security Programme, the Authority shall withdraw the status of regulated cargo agent, and promulgate such withdrawal through a Security Instruction.

#### **108.016 - Contents of a Flight Catering Operator Security Programme**

- (1) A flight catering operator shall ensure that his Flight Catering Operator Security Programme, required under 108.004, contains provisions to meet the requirements of the National Civil Aviation Security Programme and his national obligations under these Regulations made thereunder.
- (2) A Flight Catering Operator Security Programme required under 108.003 shall be designed to describe the measures in place to safeguard that facility against acts of unlawful interference and shall be in such form, manner and content as specified by the Director.
- (3) A Flight Catering Operator Security Programme required under (1), shall be accompanied by a current scale map of the flight catering facility area of operations.
- (4) Notwithstanding (3), in the case where the area in which the flight catering operator conducts his business has been declared a Tenant Restricted Area under the appropriate Airport (Restricted Area) Regulations, then the requirement for maps will be in accordance with the requirements of 108.018 (2).

#### **108.017 - Approval of Flight Catering Operator Security Programme**

- (1) Upon a proposed Flight Catering Operator Security Programme submitted under 108.004, being approved by the Authority under 108.005, the flight catering operator shall within thirty days of such approval ensure that such approved Flight Catering Operator Security Programme is implemented and in full operation.

#### **108.018 - Contents of a Tenant Restricted Area Security Programme**

- (1) A Tenant Restricted Area Security Programme required under 108.003 and 108.004 in respect of an area located at an airport to which these regulations apply, and specified in the appropriate Airport (Restricted Area) Regulations, shall be designed to safeguard both the TRA and the airport connected with the TRA, against acts of unlawful interference and shall be in such form, manner and content as specified by the Director.
- (2) A Tenant Restricted Area Security Programme under (1), shall be accompanied by a current scale map of the TRA, as required and produced under the appropriate Airport (Restricted Area) Regulations.

#### **108.019 - Approval of Tenant Restricted Area Security Programme**

- (1) Upon a proposed Tenant restricted Area Security Programme submitted under 108.004, being approved by the Authority, the TRA operator shall within thirty days of such approval ensure that such approved Tenant Restricted Area Security Programme is implemented and in full operation.

#### **108.020 - Contents of an Aviation Service Provider Security Programme**

- (1) An aviation service provider shall ensure that his Security Programme, required under 108.003, contains provisions to meet the requirements of the National Civil Aviation Security Programme and his national obligations under these Regulations made thereunder.
- (2) An aviation service provider shall ensure that his Security Programme required under 108.003 shall be designed to describe the measures in place to safeguard that facility against acts of unlawful interference and shall be in such form, manner and content as specified by the Director.

#### **108.021 - Approval of an Aviation Service Provider Security Programme**

- (1) Upon a proposed Aviation Service Provider Security Programme submitted under



108.003, being approved by the Authority under 108.005, the aviation service provider shall within thirty days of such approval ensure that such approved Security Programme is implemented and in full operation.

#### **108.022 - Modifications to Operational Particulars Affecting Security**

- (1) Where a security programme has been approved under 108.005 (hereinafter referred to as “an approved Security Programme”), the airport operator, aircraft operator, regulated cargo agent, flight catering operator, aviation service provider or tenant restricted area operator, where applicable, shall follow the procedures under (2), whenever he determines that a material change in any of the particulars of that approved Security Programme has occurred that could have an impact on the standard of security applied.
- (2) Whenever a condition described in (1), occurs the airport operator, aircraft operator, regulated cargo agent, flight catering operator, aviation service provider, or tenant restricted area operator where applicable shall:
  - (a) immediately notify the Director of the changed condition, and identify each interim measure being taken to maintain adequate security until approval is granted for an appropriate amendment to his approved Security Programme; and
  - (b) within thirty days after notifying the Director in accordance with paragraph (a), submit for approval in accordance with 108.022, an amendment to his Security Programme to bring it into compliance with these Regulations.

#### **108.023 - Amendment of Approved Security Programmes**

- (1) Where an airport operator, aircraft operator, regulated cargo agent, flight catering operator, aviation service provider or tenant restricted area operator wishes to amend or revise his approved Security Programme, he shall submit the request for such approval or revision to the Authority as soon as possible, and before the proposed effective date of intended implementation of the amended approved Security Programme.
- (2) When the Director is satisfied that the proposed amendment or revision to the approved Security Programme provides the level of security required by these Regulations, he may approve the amended approved Security Programme.

#### **108.024 - 25. Amendment of Approved Security Programme by the Authority**

- (1) The Director may require an airport operator, aircraft operator, regulated cargo agent, flight catering operator, aviation service provider or tenant restricted area operator to amend his approved Security Programme, where the Director determines that the needs of security, safety and the public interest require the amendment.
- (2) Except in an emergency as provided in Subpart (5), where the Director requires an airport operator, aircraft operator, regulated agent, flight catering operator, aviation service provider or tenant restricted area operator to amend his approved Security Programme under (1), the Director shall notify the airport operator, aircraft operator, regulated agent, flight catering operator, aviation service provider or tenant restricted area operator in writing of the required amendment and allow a period of thirty days from the date contained in the notice, for a written response from such airport operator, aircraft operator, regulated agent, flight catering operator, aviation service provider or tenant restricted area operator.
- (3) Upon receipt of a notice of a proposed amendment under (2), the airport operator, aircraft operator, regulated agent, flight catering operator, aviation service provider or tenant restricted area operator may submit an alternative amendment to his approved Security Programme which meets the intent of the required amendment under (2), for consideration by the Director.
- (4) When the Director is satisfied that the alternative amendment submitted under (3), would provide an overall level of security equal to that required by the Authority, he may

approve the alternative amendment to the approved Security Programme.

- (5) Where the Director determines that an emergency exists which requires immediate action that makes the procedure in (2) and (3), impracticable or contrary to the public interest and safety and security, he may direct the airport operator, aircraft operator, regulated agent, catering operator, aviation service provider or tenant restricted area operator to deviate in a specified manner from his approved security programme in the area of concern, for a specified period. This notification will be in the form of a Security Instruction.

## SUBPART 4 - AIRPORT SECURITY

### 108.025 - Airport Operator Responsibilities

- (1) An airport operator shall, prior to the implementation of any renovation and expansion works to his airport or the construction of additional airport facilities at the same location, submit to the Authority a revision of the measures contained in his approved security programme, which are designed to safeguard against acts of unlawful interference which may arise until the renovation or expansion is completed.
- (2) Where a foreign aircraft operator uses the facilities of a Libyan airport, the Director may, upon application from the foreign air operator's Appropriate Authority for security, give approval to an inspection by that Appropriate Authority of such foreign air operator in order to assess the adequacy of the security measures in place governing the activities of that foreign aircraft operator. An airport operator and national aircraft operator shall cooperate with the foreign Appropriate Authority as required by the Director in this assessment.
- (3) Where a national aircraft operator operates services to another State, and the Appropriate Authority of that State, requests permission for an inspection of the security measures in place at the airport as part of any Last Port of Call measures for direct flights to that State, the Director may approve such an inspection in order to assess the adequacy of the security measures in place governing the activities of that national aircraft operator's operations to that State. An airport operator shall cooperate with the foreign Appropriate Authority as required by the Director in this assessment.
- (4) An airport operator shall keep at the airport a current scale map of the airport that identifies the restricted areas in accordance with the appropriate Airport (Restricted Area) Regulations, showing the security barriers and restricted area access points.

### 108.026 - Airport Security Committee

- (1) An airport operator shall establish an Airport Security Committee to ensure the implementation of any national civil aviation security initiatives that may be required by the Authority from time to time.
- (2) An Airport Security Committee under (1), shall comprise of those representatives stipulated within the respective Airport Security Programmes approved by the Director.

### 108.027 - Aviation Security Officers and Aviation Security Screening Officers

- (1) An airport operator, or other entity approved by the Director for the purpose of performing aviation security functions, shall provide aviation security officers and aviation security screening officers, in the number and in a manner adequate to support:
  - (a) his Airport Operator Security Programme; and
  - (b) each passenger screening system required under any Part of these Regulations.
- (2) An airport operator, or other approved entity, shall ensure that an aviation security officer or aviation security screening officer employed by him:
  - (a) abstains from the consumption of alcoholic beverages or other substances prohibited by law while assigned to duty; and
  - (b) is readily identifiable by uniform and displays or carries a badge or other identification of his authority while assigned to duty; and
  - (c) has completed a training programme that meets the requirements in (1).
- (3) An airport operator, or other approved entity, shall ensure that an aviation security officer or aviation security screening officer employed by him:
  - (a) is authorized to carry out the duties and functions assigned to him/her; and
  - (b) conducts security duties in accordance with the applicable provisions of these

Regulations and any other conditions stipulated by the Director.

- (4) An aviation security officer or aviation security screening officer shall, while on duty at an airport, have the authority to detain until the arrival of a Police Officer, any person, whom he/she believes has committed:
  - (a) a crime committed in his/her presence; or
  - (b) an offence against any of these Regulations or the appropriate Airport (Restricted Area) Regulations in force.
- (5) Any person at an airport, who obstructs, insults, intimidates or performs any act of violence against an aviation security officer or aviation security screening officer, while that officer is on duty at an airport, shall commit an offence and be liable.
- (6) The training programme required by (2) (c), shall provide training in the subjects specified within the approved Airport Security Programme and meet the training standards specified by the Authority in the National Civil Aviation Security Training Programme (NCASTP).

#### **108.028 - Employer Responsibility**

- (1) An airport operator, or other entity approved by the Director for the purpose of performing aviation security functions, shall not employ any person as an aviation security officer or aviation security screening officer unless:
  - (a) such person meets the requirements of these Regulations; and
  - (b) such person has been trained in accordance with the requirements of these Regulations, where his duties are in respect to screening of passengers, crew, baggage and mail.
- (2) An airport operator, or other entity approved by the Director for the purpose of performing aviation security functions, shall ensure that:
  - (a) initial and periodic background checks are performed in respect of each aviation security officer and aviation security screening officer; and
  - (b) initial and recurrent training on aviation security is received by each aviation security officer and aviation security screening officer in his employ.
- (3) An airport operator, or other entity approved by the Director for the purpose of performing aviation security functions, shall keep an accurate record of the initial and periodic background check, experience and training of an aviation security officer and aviation security screening officer in his employ and such record shall be retained for the duration of his employment and thereafter for a period of one year.

#### **108.029 - Support from Members of the MOI Police**

- (1) At each airport specified and authorised by the Director, members of the Police force shall be deployed to provide an armed response capability to prevent the occurrence of acts of unlawful interference.
- (2) The deployment of these members of the Police will be in accordance with the measures described within the appropriate airport security programme.

#### **108.030 - Security Incidents**

- (1) An airport operator, aircraft operator, regulated cargo agent, flight catering operator, aviation service provider or tenant restricted area operator shall immediately notify an aviation security officer, aviation security screening officer, or a Police officer when there is:
  - (a) the discovery of an unauthorized firearm other than an unloaded firearm allowed under the security programme of an aircraft operator;
  - (b) the discovery, at the airport, or on board an aircraft, of an explosive substance or

- an incendiary device or a suspected explosive substance or suspected incendiary device;
  - (c) refusal by a person to submit to the security screening required under these Regulations;
  - (d) a report of unattended baggage located in his area of responsibility;
  - (e) a report of suspicious packages, articles or goods in his area of responsibility; or
  - (f) a specific threat against the airport comes to his attention.
- (2) An airport operator, or other entity approved by the Director for the purpose of performing aviation security functions, shall investigate any of the reported security incidents set out in 30.1, and provide a report of the incident to the Authority in accordance with procedures set out in his approved Airport Operator Security Programme.

### **108.031 - Records**

- (1) An airport operator, or other entity approved by the Director for the purpose of performing aviation security functions, shall ensure that a record is kept of every security incident at his airport.
- (2) A record required to be kept under (1), shall:
- (a) be kept for a minimum of ninety days;
  - (b) be made available to the Authority upon request; and
  - (c) include the number:
    - (i) and type of weapons and incendiary devices discovered during any passenger screening process and the method of detection of each;
    - (ii) of acts and attempted acts of unlawful interference;
    - (iii) of bomb threats received, real and simulated bombs found and actual bombings at the airport; and
    - (iv) of detentions and arrests and the immediate disposition of each person detained or arrested.

### **108.032 - Airport Tenant and Tenant Restricted Area Operator Responsibility**

- (1) An airport tenant restricted area operator, and any other tenants at airports to which these Regulations apply, shall develop security measures to manage access to the tenant restricted area, or other area, under his control in compliance with the TRA Security Programme submitted for approval under 108.018, or the Airport Security Programme under 108.009.
- (2) An airport tenant restricted area operator, or other tenant, shall ensure that his personnel receive appropriate airport security training, or security awareness training as appropriate, in accordance with the approved TRA Security Programme or Airport Security Programme, and in accordance with the terms and conditions of the National Civil Aviation Security Training Programme.
- (3) An airport tenant restricted area operator, or other tenant, shall not use a person as an aviation security officer or an aviation security screening officer, unless the employment of such person has been approved by the Director.

### **108.033 - Confidential Security Information**

- (1) A person shall not divulge documented information in respect of security measures in effect at an airport without the permission of the Director.

### **108.034 - False Statements, Entries or Unauthorized Reproduction**

- (1) A person shall not make, or cause to be made, any of the following:
- (a) a fraudulent or intentionally false statement in any Security Programme required to

- be developed and presented to the Authority for approval under these Regulations;
- (b) a fraudulent or intentionally false entry in any record or report that is kept, made or used to show compliance with these Regulations; and
  - (c) a reproduction or alteration of any report, record, security programme, issued under these Regulations without the approval of the Director.

### **108.035 - Access Control System**

- (1) The airport operator shall ensure that the location and function of restricted areas, security restricted areas, and enhanced security restricted areas at the Airport are designated and properly defined within the approved security programme for the Airport.
- (2) The level of access to a restricted area, security restricted area, or enhanced security restricted area shall be clearly defined and made known to all persons at the airport whose duties require them to have access to these areas.
- (3) An airport operator shall include in his approved Airport Operator Security Programme details of a system, method and procedure, which shall ensure that:
  - (a) access points into restricted areas, security restricted areas, or enhanced security restricted areas are limited in number, and physical access through those points are strictly controlled;
  - (b) entry points which cannot be effectively controlled are locked or otherwise secured against entry by unauthorized persons;
  - (c) access by persons and vehicles to restricted areas, security restricted areas, and enhanced security restricted areas is restricted only to persons who have a clear need for such access by virtue of their duties;
  - (d) security restricted areas and enhanced security restricted areas not subject to continual access control measures shall be subjected to a thorough search prior to being brought into use;
  - (e) a person whose duties require him to be at the airport is required to have on display on his person, a valid airport identification permit and any baggage or item he carries shall be screened before being allowed access to security restricted areas or enhanced security restricted areas;
  - (f) the screening under paragraph (e) shall be to the same standard as that required for passengers, under 108.046; and
  - (g) persons at an airport are aware of what areas they are prohibited access to.
- (4) Notwithstanding the screening requirements under (3)(e), the Authority may consider screening at certain access points on a random basis depending on the assessed risk where details of such risks are included in an approved Airport Operator Security Programme.
- (5) The system under (3), shall provide a means to differentiate the various airport restricted areas that holders of airport restricted area permits are allowed access to.
- (6) The system under (3), shall describe the scope of initial and periodic background checks conducted on applicants for all types of airport restricted area permits issued.

### **108.036 - Airport Restricted Area Permit System**

- (1) An airport operator shall ensure that access to a restricted area, security restricted area or enhanced security restricted area of his airport is controlled by the use of an airport restricted area permit system to identify persons and vehicles and facilitate access where authorized.
- (2) The airport restricted area permit system shall be in accordance with the appropriate Airport (Restricted Area) Regulations.

**108.037 - Access to Airport Restricted Areas**

- (1) A person shall be allowed access to airport restricted areas in accordance with the requirements of the appropriate Airport (Restricted Area) Regulations.
- (2) A person who has been granted access to a restricted area of an airport shall only access or attempt to access such restricted area at a designated restricted area access control point.
- (3) Subject to (4) below, a person shall not:
  - (a) provide another person with physical access to a restricted area where the latter has not been issued with a restricted area permit; or
  - (b) assist another person in gaining physical access to a restricted area where the latter has been issued a restricted area permit but does not have such restricted area permit in his possession.
- (4) Notwithstanding (3), a person may enter certain restricted areas of an airport where such person:
  - (a) has a valid boarding pass issued by an aircraft operator, is proceeding to the assigned gate for the purpose of boarding an aircraft and has been subject to the screening requirements of these Regulations; or
  - (b) he/she is identified in the emergency response plan of the airport operator and is attending to an airport emergency.

**108.038 - Airport Security Coordinator**

- (1) An airport operator shall designate, in his approved Airport Security Programme, an officer in his organization as the Airport Security Co-ordinator, who shall be held responsible for the coordination of all aviation security policies, procedures and preventive measures applied at a designated airport.
- (2) An Airport Security Co-ordinator shall serve as the primary contact of the airport operator for security-related activities and communications with the Director, as set forth in the approved Airport Security Programme.

**108.039 - Measures in the event of Specific Threat at Airports**

- (1) Where an airport operator determines that a specific threat that jeopardizes the security of his airport exists, he shall immediately take all of the measures necessary to ensure the safety of the airport and persons at the airport, including informing the appropriate aviation security officers and/or aviation security screening officers of the nature of the threat.

**108.040 - Notification of Threat**

- (1) An airport operator who is made aware of a threat against an airport facility or any part of his airport, or tenant restricted area that is under the control of a person carrying on any activity at or connected with his airport, other than the airport operator, he shall immediately:
  - (a) notify the person in control of that facility or tenant restricted area of the nature of the threat; and
  - (b) determine whether there is a specific threat that jeopardizes the security of the airport.
- (2) Where a person authorized to conduct any screening activity at an airport is made aware of a threat against the airport, such person shall:
  - (a) immediately notify the airport operator of the nature of the threat; and
  - (b) assist the airport operator in determining whether there is a specific threat that jeopardizes the security of the airport.

**108.041 - Discovery of Weapons, Incendiary Devices or Explosives at Airports**

- (1) An airport operator shall immediately notify the Authority when there is:
  - (a) the discovery, at the airport, of a weapon, other than an unloaded firearm allowed under 108.030 (1)(a);
  - (b) the discovery, at the airport, of an explosive substance or an incendiary device, other than an explosive substance or incendiary device allowed under these regulations made thereunder;
  - (c) an explosion at the airport, unless the explosion is known to be the result of an excavation, a demolition, construction or the use of fireworks displays; or
  - (d) a specific threat against the airport.

**108.042 - Airport Operator to keep Maps and Plans of Airport**

- (1) An airport operator shall keep at the airport a certified copy of a current scale map and/or plan, certified by the Director, of the airport and buildings located at that airport, that identifies the restricted areas, security restricted areas, and enhanced security restricted areas, security barriers and restricted area, security restricted area, and enhanced security restricted area access points. This map and/or plan is to be produced in accordance with the appropriate Airport (Restricted Area) Regulations.

**108.043 - Airport Operator to Provide Information**

- (1) The airport operator shall provide to the Authority, on reasonable notice given by the Authority, written or electronic records or other information relevant to the security of the airport, including:
  - (a) information concerning the method of implementing the security measures that apply to the airport operator under 108.004 (1); and
  - (b) a copy of the scale map and/or plan referred to in 108.042.
- (2) An airport operator shall provide the Authority with written notice of any new commercial air transportation service that is to commence operations at the airport terminal building.



## **SUBPART 5 - SCREENING OF PERSONS AND GOODS**

### **108.044 - Authority for Screening**

- (1) The Director may specify by a written notice, a person, or persons jointly, who are authorised or required to carry out screening at an airport to which these Regulations apply.

### **108.045 - Use of Screening Equipment**

- (1) An airport operator, aircraft operator, regulated cargo agent, tenant restricted area operator, flight catering operator, aviation service provider or person authorized to conduct screening on their behalf, shall not use any screening equipment systems within the State to inspect carry-on or checked baggage, cargo or aircraft catering and stores unless specifically authorized under an approved Security Programme required by 108.004.
- (2) An airport operator, aircraft operator, regulated cargo agent, tenant restricted area operator, flight catering operator, aviation service provider or any other person authorized to conduct screening on his behalf, may be authorized by the Authority, to use X-ray systems for inspecting carry-on or checked baggage, cargo, catering and stores under an approved Security Programme, where he shows that:
  - (a) the X-ray system complies with the standards for X-ray systems designed primarily for the inspection of carry-on and checked baggage and meets the performance requirements set out by the Authority in the National Civil Aviation Security Programme;
  - (b) a programme for initial and recurrent training of operators of the system is established, which includes training in radiation safety, the efficient use of X-ray systems, and the identification of weapons and other dangerous articles, as prescribed in the National Civil Aviation Security Training Programme; and
  - (c) the system meets the imaging requirements described in the approved Security Programme, in accordance with the combined test requirements prescribed by the Authority.
- (3) An airport operator, aircraft operator, regulated cargo agent, tenant restricted area operator, flight catering operator, aviation service provider or any other person authorized to conduct screening on his behalf, shall ensure that an X-ray system is not used:
  - (a) unless within the preceding twelve months, a test has been conducted which shows that the system meets the applicable performance standards or guidelines prescribed by the Director;
  - (b) after the system is initially installed or after it has been moved from one location to another, a test has been conducted which shows that the system meets the applicable performance standards or guidelines prescribed by the Director; and
- (4) An airport operator, aircraft operator, regulated cargo agent, tenant restricted area operator, flight catering operator, aviation service provider or any other person authorized to conduct screening on his behalf, shall maintain at least one copy of the results of the most recent test conducted under (3) and shall make it available for inspection upon request by the Authority at each of the following locations:
  - (a) the principal business office of the organization conducting the screening; and
  - (b) the place where the X-ray system is in operation.
- (5) An airport operator, aircraft operator, regulated cargo agent, tenant restricted area operator, flight catering operator, aviation service provider or any other person authorized to conduct screening on his behalf, shall ensure that screening staff comply with X-ray operator duty time limitations specified in his approved Security Programme.

### **108.046 - Requirement for Screening**

- (1) Every person entering an enhanced security restricted area, or security restricted area, at any airport to which these regulations apply, as specified within the appropriate airport security programme, is required to be screened, including any carry-on baggage, goods or other articles in their possession.
- (2) An organization approved by the Authority to carry out screening functions must ensure that any person who acts or will act as a screening officer for it or on its behalf meets the minimum standards set out by the Authority, as amended from time to time.
- (3) An organization approved by the Authority to carry out screening functions must not permit a screening officer to conduct an authorized search for it or on its behalf unless the screening officer meets the minimum standards set out by the Authority, as amended from time to time.
- (4) An air carrier must not transport a person or goods that must be screened in accordance with (1), unless the person or goods have been screened in accordance with that regulation.
- (5) A person who must be screened under (1) must not circumvent a screening of their person or goods or other things in their possession or control or a vehicle under their care or control or assist another person who must be screened in circumventing a screening of that person or goods or other things in that person's possession or control or a vehicle under that person's care or control.
- (6) A person who is at an airport or on board an aircraft must not falsely declare that:
  - (a) they are carrying a weapon, an explosive substance, an incendiary device or other dangerous item that could be used to jeopardize the security of an airport or aircraft or that such an item is contained in goods or other things in their possession or control or in a vehicle under their care or control that they have tendered or are tendering for screening or transportation; or
  - (b) another person who is at the airport or on board an aircraft is carrying a weapon, an explosive substance, an incendiary device or other dangerous item that could be used to jeopardize the security of an airport or aircraft or that such an item is contained in goods or other things in that person's possession or control or in a vehicle under their care or control and is being tendered or has been tendered for screening or transportation.
- (7) Notwithstanding (1), the Director may, in writing, exempt such persons as he deems appropriate from the requirements to be screened. Any exemption made under this regulation shall be promulgated in the appropriate airport security programme.

#### **108.047 - Refusal of Screening**

- (1) Subject to 108.046 (7), any person who refuses to allow themselves and their carry-on baggage, goods or other articles in their possession to be screened will be denied access to the security restricted area or enhanced security restricted area.
- (2) Where, after entering a security restricted area or enhanced security restricted area, a person who is required by an aviation security officer or aviation security screening officer, to submit to screening of his person, goods, vehicle or means of conveyance refuses such a search, the aviation security officer or aviation security screening officer shall order such person to leave the security restricted area or enhanced security restricted area and remove the goods, vehicle or means of conveyance in his possession from the security restricted area or enhanced security restricted area.
- (3) Where, after having boarded an aircraft, a passenger is required by an aviation security officer or aviation security screening officer to submit to the screening of his person, or of the goods that he carried or had placed on board the aircraft and he refuses such a screening, the aviation security officer or aviation security screening officer shall order such person to disembark the aircraft and remove the carry-on baggage, goods or checked baggage of such person.

**108.048 - Discovery of Prohibited Items**

- (1) A person authorized to conduct screening activities shall immediately notify the appropriate aircraft operator, airport operator, the MOI Airport Police and the Authority when any of the following is detected at a security restricted area access point where screening is conducted of persons and carry-on baggage and other articles in the possession or control of persons who are screened:
  - (a) a weapon, other than a weapon allowed under 108.030 (1)(a);
  - (b) an explosive substance, other than:
    - (i) *ammunition carried by a person allowed to carry or have access to a weapon or firearm under 108.030 (1)(a); or*
    - (ii) *an explosive substance allowed under these regulations;*
  - (c) an incendiary device, other than an incendiary device allowed under these regulations.
- (2) A person authorized to conduct screening activities shall immediately notify the appropriate aircraft operator, the airport operator, the MOI Airport Police and the Authority when any of the following is detected in checked baggage:
  - (a) a loaded firearm;
  - (b) an explosive substance, other than ammunition; or
  - (c) an incendiary device.

**108.049 - Use of Explosives Detection Systems**

- (1) Where required by the Authority, a person authorized to conduct screening activities under an approved security programme shall use an explosive detection system that has been approved by the Authority to screen baggage or cargo in accordance with his approved Security Programme.

## SUBPART 6 - AIRCRAFT OPERATOR SECURITY

### 108.050 - Aircraft Operator Security Programme

- (1) A national aircraft operator having an approved Aircraft Operator Security Programme shall:
  - (a) lodge for retention a complete copy with the Authority;
  - (b) maintain one complete copy of his approved Aircraft Operator Security Programme at his principal business office;
  - (c) maintain a complete copy of his approved Aircraft Operator Security Programme at each designated airport that the national aircraft operator operates to;
  - (d) make the documents under paragraphs (b) and (c), available for inspection upon request by the Director; and
  - (e) restrict the distribution, disclosure, and availability of sensitive security information only to persons who by their defined roles in the programme require to have such information for the performance of their function.
- (2) A foreign aircraft operator having an accepted Aircraft Operator Security Programme shall:
  - (a) lodge for retention a complete copy with the Authority;
  - (b) maintain one complete copy of his accepted Aircraft Operator Security Programme at his main base.

### 108.051 - Screening of Passengers and Property

- (1) An aircraft operator shall ensure that at designated airports screening is conducted of:
  - (a) passengers, transit passengers, transfer passengers and crew travelling on his aircraft;
  - (b) carry-on baggage of persons under paragraph (a);
  - (c) checked baggage of persons under paragraph (a); and
  - (d) other goods in the hold of his aircraft.
- (2) An aircraft operator shall use the procedures and the facilities and equipment described in his Aircraft Operator Security Programme:
  - (a) to prevent or deter the carriage of any weapon or incendiary device on or about the person of an individual or accessible property and the carriage of any weapon or incendiary device in checked baggage on aircraft;
  - (b) to detect the existence of a weapon or incendiary device, to inspect each person entering an enhanced security restricted area at each pre-boarding screening check point and to inspect all accessible property under the control of such person; and
  - (c) to perform the following control functions with respect to each aircraft operation for which screening is required:
    - (i) *prohibit unauthorized access to the aircraft;*
    - (ii) *ensure that baggage carried in the aircraft is checked-in by a properly trained agent and that identification is obtained from all passengers and persons shipping goods or cargo on board the aircraft;*
    - (iii) *ensure that cargo and checked baggage carried on board the aircraft are handled in a manner that prohibits unauthorized access; and*
    - (iv) *conduct a security inspection of the aircraft before placing it in service and after it has been left unattended.*

- (3) An aircraft operator shall refuse to transport:
  - (a) any person who does not consent to an authorized search of his person when required to do so by the aircraft operator or person authorized to conduct such searches on his behalf; and
  - (b) any property of any person who does not consent to a search or inspection of that property in accordance with the screening system prescribed by (1).
- (4) A foreign aircraft operator shall not conduct a flight within Libya with a passenger on board who refuses to submit to a screening, required under these Regulations or while the carry on or checked baggage of such person is on board his aircraft.
- (5) Notwithstanding being in possession of a boarding pass, where the pilot in command of an aircraft has reasonable grounds to believe that a person is in violation of this Part, the pilot in command may order that person to disembark such aircraft.
- (6) Notwithstanding (1), the Director may, in writing, exempt such persons as he deems appropriate from the requirements to be screened. Any exemption made under this regulation shall be promulgated by Security Instruction.

#### **108.052 - Prevention and Management of Hijackings and Sabotage Attempts**

- (1) An aircraft operator shall:
  - (a) assign an appropriately qualified and trained person as a Ground Security Co-ordinator to co-ordinate the ground security duties specified in his approved Aircraft Operator Security Programme; and
  - (b) designate the pilot in command as the In-flight Security Co-ordinator for each flight, as required by his approved or accepted Aircraft Operator Security Programme to co-ordinate activities in response to threats of acts of unlawful interference.
- (2) An aircraft operator shall, where directed by the Director, permit and facilitate the carriage of in-flight security officers on specific flights to prevent:
  - (a) unauthorized persons from gaining access to the flight deck; and
  - (b) hijackings and other criminal acts on board the aircraft.
- (3) In-flight Security Officers under this section, where required to be on board a flight, shall:
  - (a) prevent unauthorized persons from gaining access to the flight deck and prevent hijackings and other criminal acts on board the aircraft; and
  - (b) conduct a crew briefing prior to departure to ensure the flight crew and cabin crew understand his/her role on board the aircraft.

#### **108.053 - Carriage of Weapons**

- (1) An aircraft operator shall not permit any person, who is not authorized, to have on or about his person or property, a weapon, either concealed or unconcealed, accessible to him while on board an aircraft.
- (2) Subpart (1), shall not apply to in-flight security officers required to be on board under 108.052.
- (3) A person shall not, without authority, while on board an aircraft operated by an aircraft operator, carry on or about his person, a weapon, either concealed or unconcealed.
- (4) An aircraft operator shall not knowingly permit any person to transport, nor shall any person transport or tender for transport, a weapon, incendiary device or loaded firearm in checked baggage on board an aircraft without proper authorization.
- (5) For the purpose of this regulation, “a loaded firearm” means a firearm, which has inserted in it a live round of ammunition, cartridge, in the chamber or in a clip, magazine or cylinder.
- (6) An aircraft operator shall not knowingly permit any person to transport, nor may any

person transport or tender for transport, any unloaded firearm in checked baggage on board an aircraft unless:

- (a) such person declares to the aircraft operator, either orally or in writing before tendering the baggage for the purpose of being checked in that he has a firearm carried in his/her checked baggage and it is unloaded;
  - (b) the baggage or container in which a firearm is carried is locked;
  - (c) the checked baggage or container containing the firearm is loaded on the aircraft in an area that is inaccessible to passengers; and
  - (d) such person presents a licence for such firearm from the State that permits him to have in his possession such firearm, an export licence for such firearm from the State of departure and an import licence for such firearm to the State of destination.
- (7) Where a firearm to be transported in checked baggage but is not secured in such checked baggage it shall be carried in the hold of the aircraft, in a container that the aircraft operator considers appropriate for air transportation.

#### **108.054 - Security Threats and Procedures**

- (1) Where an aircraft operator determines that there is a specific threat which jeopardizes the security of an aircraft or flight, he shall immediately take all of the measures necessary to ensure the safety of the aircraft, passengers and crew on board such aircraft, including:
  - (a) informing the pilot in command, the crew members assigned to the aircraft or flight, the airport operator and the appropriate Police agency of the nature of the threat;
  - (b) where the aircraft is on the ground, moving such aircraft to a place of safety at the airport according to the directions of the airport operator; and
  - (c) the inspection of the aircraft and search of the passengers and goods on board such aircraft, unless the inspection and search are likely to jeopardize the safety of the passengers and crew members.
- (2) Where the aircraft, under subpart (1), is on the ground, the pilot in command shall comply with any direction given by the airport operator under subpart (1) (a), or a member of the appropriate Police agency, unless complying with such direction is likely to jeopardize the safety of the passengers and crew members.
- (3) Immediately upon receiving information that an act or suspected act of unlawful interference has been committed, the aircraft operator shall notify the Authority.
- (4) Where an aircraft operator determines that there is a specific threat which jeopardizes the security of a facility, a tenant restricted area, or part of an airport, he shall immediately take all of the measures necessary to ensure the safety of the facility, tenant restricted area or part of the airport and persons at the facility, tenant restricted area or airport, including informing the airport operator, tenant restricted area operator and the appropriate Police agency of such threat.
- (5) Where the aircraft under subpart (3), is in the airspace under the jurisdiction of a State other than Libya, the aircraft operator shall also notify the Authority of the State in whose territory the aircraft is located and, if the aircraft is in flight, the Authority of the State in whose territory the aircraft is to land.
- (6) Upon receipt of a bomb threat against a specific aircraft, each aircraft operator shall attempt to determine whether or not any explosive or incendiary device is aboard the aircraft involved by doing the following:
  - (a) conduct an analysis of the threat and classify the threat as:
    - (i) *a hoax;*
    - (ii) *non-specific; or*
    - (iii) *specific;*

- (b) in cases of (ii) and (iii), consider conducting a security inspection on the ground before the next flight or, where the aircraft is in flight, immediately after its next landing; and
  - (c) where the aircraft is on the ground, advising the pilot in command of the results of the analysis and the proposed action to be taken; or
  - (d) where the aircraft is in flight, immediately advising the pilot in command of all pertinent information available so that necessary emergency action can be taken.
- (7) Where the aircraft is in flight, ensure the pilot-in-command notifies the appropriate air traffic control authority of the threat.

#### **108.055 - Reporting of Security Incidents**

- (1) An aircraft operator shall immediately notify the Authority when there is:
- (a) a hijacking or attempted hijacking of an aircraft;
  - (b) the discovery, on board an aircraft, of a weapon, other than an unloaded firearm allowed under 108.053;
  - (c) the discovery, on board an aircraft, of an explosive substance or an incendiary device, other than an explosive substance or incendiary device allowed on board the aircraft under these regulations;
  - (d) an explosion on an aircraft; or
  - (e) a specific threat against an aircraft, a flight or a facility or part of an airport under its control.
- (2) An aircraft operator shall immediately notify the airport operator when a weapon other than a firearm allowed under 108.052, is detected in any part of the airport under its control.

#### **108.056 - Security Information**

- (1) An aircraft operator shall, where the Authority provides reasonable notice, provide the Authority with a written or electronic record or other information relevant to the security of his operations, including:
- (a) information concerning the method of implementing the security measures that apply to the aircraft operator under 108.004 (2) and 108.004 (3); and
  - (b) a description of the nature of operations related to a particular flight and the services provided in respect of the flight.

#### **108.057 - Provision of Information to the Authority on the Security of Operations by Service Providers**

- (1) A person who provide services to an aircraft operator and a person who provides a service related to the transportation of goods by air, shall provide to the Authority, on reasonable notice given by the Authority, written or electronic records or other information relevant to the security of the operations of the service provider, including:
- (a) information concerning the method of implementing the security measures that apply to those persons under 108.004 (6); and
  - (b) a description of the nature of the operations related to a particular flight and the services provided in respect of the flight.

#### **108.058 - Provision of Information to the Authority on the Security of Operations by**

### Screening Personnel

- (1) A person authorized to perform screening by the Director shall provide to the Authority, on reasonable notice given by the Authority, written or electronic records or other information relevant to the security of his screening operations, including:
  - (a) information concerning the method of implementing the security measures that apply to it under 108.044; and
  - (b) a description of the nature of the screening operations related to a particular flight or at a particular airport.

### 108.059 - Carriage of Passengers under Administrative or Judicial Control

- (1) An aircraft operator, when required to carry a passenger who is the subject of judicial or administrative proceedings, shall only do so once appropriate security controls have been applied to the passenger in question, including notification to the pilot-in-command.
- (2) An aircraft operator shall ensure that prior to departure:
  - (a) the aircraft is equipped with adequate restraining devices to be used in the event restraint of any passenger becomes necessary;
  - (b) each passenger travelling under subpart (1), has been searched and does not have on or about his person or property anything that can be used as a weapon; and
  - (c) each passenger travelling under subpart (1), whether under the control of an escort officer or not, under this regulation, is:
    - (i) *boarded before any other passengers when boarding at the airport from which the flight originates and deplaned at the destination after all other deplaning passengers have deplaned;*
    - (ii) *seated in the rear-most passenger seat when boarding at the airport from which the flight originates; and*
    - (iii) *seated in a seat that is not located close to or directly across from any exit.*
- (3) An aircraft operator operating an aircraft under subpart (1), shall not:
  - (a) serve food, beverage, or provide eating utensils made of metal to a passenger under such judicial or administrative proceedings while on board such aircraft unless authorized to do so; or
  - (b) serve any escort officer, or the passenger under the control of the escort officer, any alcoholic beverages while on board such aircraft.
- (4) In cases where an escort officer is also carried under the provisions of subpart (1), the escort officer shall, at all times, accompany the passenger under his control and keep the passenger under surveillance while on board the aircraft including visits to the lavatory.
- (5) This regulation shall not apply to the carriage of passengers under voluntary protective escort.

### 108.060 - Training

- (1) An aircraft operator shall not use any person as a Security Co-ordinator unless, within the preceding twelve months, such person has satisfactorily completed the required security training specified in his approved Aircraft Operator Security Programme and required by the National Civil Aviation Security Training Programme.
- (2) A national aircraft operator shall not use any person as a crewmember on any domestic or international flight unless within the preceding twelve months that person has satisfactorily completed the security training required by LYCAR Part Air Operations and as specified in his approved Aircraft Operator Security Programme and the National Civil Aviation Security Training Programme.



## **SUBPART 7 - CARGO AND REGULATED AGENT SECURITY**

### **108.061 - Security Controls over Cargo**

- (1) No aircraft operator shall accept consignments of cargo, courier and express parcels or mail for carriage on passenger flights unless the security of such consignments is accounted for by a regulated cargo agent that is approved by the Authority, or such consignments are subjected to other security controls, that are approved by the Authority, to safeguard such aircraft against an act of unlawful interference.

### **108.062 - Aviation Security Responsibilities of a Regulated Agent**

- (1) A regulated cargo agent prior to accepting goods for transport in an aircraft shall carry out such security controls as are specified in his approved Regulated Cargo Agent Security Programme.
- (2) An approved regulated cargo agent who offers goods to an aircraft operator for transport by aircraft shall produce and make available to the aircraft operator, and the Authority on demand, shipping documents, records of goods accepted and offered for air transport, employee training records, airway bills and valid consignment security declarations.

### **108.063 - Responsibility of the Aircraft Operator Receiving Goods from a Regulated Cargo Agent**

- (1) An aircraft operator accepting goods for transport on his aircraft:
  - (a) may conduct screening of such shipments of goods; and
  - (b) shall ensure:
    - (i) *the safeguarding of such goods against unlawful interference until such goods have been placed in the aircraft;*
    - (ii) *that his shipments of goods are recorded; and*
    - (iii) *that whenever the goods are received from an approved regulated cargo agent such goods are delivered by an authorized employee of such regulated agent.*
- (2) An aircraft operator shall not accept any goods for transport by aircraft unless the documentation for such goods is examined for inconsistencies and is accompanied by a valid consignment security declaration.
- (3) An aircraft operator shall not accept any goods, from a regulated cargo agent, for transport by aircraft unless that regulated cargo agent is an approved regulated cargo agent as determined by the Authority, and whose identity appears on a list of approved regulated cargo agents published by the Authority.
- (4) An aircraft operator shall provide an approved regulated cargo agent with all the necessary information in order that he is able to comply with the Technical Instructions.
- (5) An aircraft operator shall make available to the Director a report of any incident where an airway bill or equivalent document did not provide an accurate record of the goods being offered for air transport.
- (6) An aircraft operator, except as provided in the Technical Instructions, shall not place in an aircraft any goods that are not acceptable.

### **108.064 - Inspection of Goods Offered for Transport by Regulated Agent**

- (1) An aircraft operator may inspect any goods or any package, or container having goods offered for transport by air by a regulated cargo agent if there is any doubt as to the integrity of the security controls provided by that regulated cargo agent.
- (2) Where an inspection is conducted pursuant to subpart (1), a regulated cargo agent or a representative of the regulated agent may observe the inspection.
- (3) In the absence of a regulated cargo agent, or a representative of a regulated cargo agent,

an aircraft operator may use such force as is necessary to access the contents of any package or container containing goods offered for transport by air by such regulated cargo agent, representative of a regulated cargo agent or aircraft operator.

- (4) Where an inspection is conducted by an aircraft operator pursuant to subpart (1), the package, container or goods shall remain in possession of the aircraft operator until after the inspection is complete.
- (5) Where an inspection of goods under this regulation provides evidence of a breach of this Part, the aircraft operator shall maintain possession of the goods offered for air transport by a regulated cargo agent and the airway bill and inform the Authority in the prescribed form.

#### **108.065 - Screening of Cargo**

- (1) An aircraft operator accepting goods from a consignor, or any authorised representative of the consignor, that is not a regulated cargo agent or a Known Consignor approved by the Authority, must conduct screening of those goods to determine that they do not contain any weapons, explosives or other dangerous devices, prior to them being carried on any aircraft.

#### **108.066 - Acceptance of Goods from a Known Consignor**

- (1) An aircraft operator may accept goods from a Known Consignor, or any authorised representative of a Known Consignor that is approved by the Authority, without subjecting those goods to screening, provided that the aircraft operator is satisfied that;
  - (a) The security of those goods is consistent with the provisions of the Known Consignor security programme
  - (b) such goods have been safeguarded against unlawful interference from the point they left the premises of the Known Consignor until such time as the goods are presented for carriage;
  - (c) that his shipments of goods are recorded; and
  - (d) such goods are delivered by an authorized employee of the Known Consignor.

## **SUBPART 8 - FLIGHT CATERING OPERATOR SECURITY**

### **108.067 - Aviation Security Responsibilities of a Flight Catering Operator**

- (1) A flight catering operator prior to accepting raw materials and products for preparation as catering supplies for transport in an aircraft shall follow such procedures as are specified in his Flight Catering Operator Security Programme that has been approved by the Director under 108.006.
- (2) An approved flight catering operator who offers catering stores and supplies to an aircraft operator for transport by aircraft shall produce and make available to the aircraft operator, and the Authority on demand, shipping documents, records of raw materials and equipment accepted and catering stores and supplies offered for air transport, employee training records and other accountable catering documents.
- (3) An aircraft operator shall not accept any catering supplies and stores, from a flight catering operator, for transport by aircraft unless the flight catering operator is in possession of an approved Flight Catering Operator Security Programme, approved by the Director.

### **108.068 - Responsibility of the Aircraft Operator Receiving Catering Stores and Supplies from a Flight Catering Operator**

- (1) An aircraft operator accepting catering stores and supplies for transport on his aircraft from an approved flight catering operator:
  - (a) will ensure that all catering supplies are properly recorded on documentation and are secured through the use of catering seals;
  - (b) may accept the integrity of the catering if he is satisfied the seals and documentation are in order and that the catering shows no signs of being tampered with;
  - (c) may conduct screening of such shipments of catering if the seals and documentation do not match, or if the catering shows any sign of having been tampered with; and
  - (d) will ensure that whenever the catering supplies and stores are received, such catering supplies and stores are delivered by an authorized employee of such approved flight catering operator.
- (2) An aircraft operator shall not accept any catering supplies and stores for transport by aircraft unless the documentation for such catering supplies and stores is examined for inconsistencies and is accompanied by a valid security declaration.
- (3) An aircraft operator shall make available to the Director a report of any incident where a catering or equivalent document did not provide an accurate record of the catering supplies and stores being offered for air transport.
- (4) An aircraft operator, except as provided in the Technical Instructions, shall not place in an aircraft any catering supplies and stores that are not acceptable.
- (5) An aircraft operator shall preserve for not less than one year any record of acceptance checklists and inspections carried out under these regulations.

### **108.069 - Inspection of Catering Supplies**

- (1) An aircraft operator may inspect any catering supplies and stores or any package, or container having catering supplies and stores offered for transport by air by an approved flight catering operator.
- (2) Where an inspection is conducted pursuant to subpart (1), a flight catering operator or a representative of the flight catering operator may observe the inspection.
- (3) In the absence of a flight catering operator, or a representative of a flight catering operator,

an aircraft operator may use such force as is necessary to access the contents of any package or container containing catering supplies and stores offered for transport by air by such flight catering operator, or representative of a flight catering operator.

- (4) Where an inspection is conducted by an aircraft operator pursuant to subpart (3), the package, container or catering supplies and stores shall remain in possession of the aircraft operator until after the inspection is complete.
- (5) Where an inspection of catering supplies and stores under this regulation provides evidence of a breach of these regulations, the aircraft operator shall maintain possession of the catering supplies and documentation and inform the Authority in the prescribed form.

#### **108.070 - TENANT RESTRICTED AREA SECURITY - TRA Requirements**

- (1) A Tenant Restricted Area (TRA) operator at, or in connection with, any designated airport, will take such measures as required by the Director to protect his TRA, and the airport associated with the TRA, to prevent weapons, explosives or any other dangerous devices which may be used to commit an act of unlawful interference, the carriage or bearing of which is not authorized, from being introduced, by any means whatsoever, on board an aircraft engaged in civil aviation.
- (2) In carrying out the requirements of subpart (1), a TRA operator will comply with 108.004 and 108.019 of these regulations, the appropriate Airport (Restricted Area) Regulations in force, and the terms and conditions of his approved Tenant Restricted Area Operator Security Programme.

#### **108.071 - QUALITY CONTROL - Objectives and Content of Quality Control**

### **Programme**

- (1) The National Civil Aviation Security Quality Control Programme (NCASQCP) shall contain all necessary quality control monitoring measures taken to assess on a regular basis the implementation of the National Civil Aviation Security Programme, including the policies on which they are based.
- (2) The NCASQCP shall be in such form and include such elements as are stipulated within the National Civil Aviation Security Programme (NCASP).

### **108.072 - Compliance Monitoring**

- (1) The implementation of the NCASP shall be monitored by LYCAA for compliance by all stakeholders.
- (2) Monitoring shall be undertaken in accordance with the approved National Civil Aviation Security Quality Control Programme (NCASQCP), taking into consideration the threat level, type and nature of the operations, standard of implementation, and other factors and assessments which will necessitate more frequent monitoring.
- (3) The management, setting of priorities and organisation of the quality control programme shall be undertaken independently from the operational implementation of the measures taken under the National Civil Aviation Security Programme (NCASP).
- (4) The Director may in writing require any person who:
  - (a) is required to hold an aviation security programme; or
  - (b) operates, maintains, or services, or does any other act in respect of any aircraft, aeronautical product, aviation related service, air traffic service, or aeronautical procedure, to undergo or carry out such inspections and audits and such monitoring as the Director considers necessary in the interests of civil aviation security.
- (5) For the purposes of any inspection, audit or monitoring carried out in respect of any person under subpart (5) of this section, the Director may in writing require from that person such information as the Director considers relevant to the inspection, audit or the monitoring.

### **108.073 - Qualification Criteria for Auditors**

- (1) The LYCAA shall ensure that auditors performing functions on behalf of the Authority shall have appropriate qualifications, which shall include sufficient theoretical and practical experience in the relevant field.
- (2) The auditors shall have:
  - (a) a good understanding of the national civil aviation security programme and how it is applied to the operations being examined;
  - (b) where appropriate, knowledge of the more stringent measures as applicable in the location being examined;
  - (c) a good working knowledge of security technologies and techniques;
  - (d) a knowledge of audit principles, procedures and techniques;
  - (e) a working knowledge of the operations being examined.

### **108.074 - Power of Investigation**

- (1) The Director may, in writing, require any holder of an approved aviation security programme to undergo an investigation conducted by the Director, if the Director believes, on reasonable grounds, that it is necessary in the interests of civil aviation security, and if the Director:
  - (a) has reasonable grounds to believe that the holder has failed to comply with any conditions of an aviation security programme; or

- (b) considers that the privileges or duties for which the security programme has been approved, are being carried out by the holder in a careless or incompetent manner.
- (2) If the Director requires a holder of an approved security programme to undergo an investigation, the Director must:
- (a) conclude the investigation as soon as practicable; and
  - (b) inform the holder, in writing, of:
    - (i) *the date on which the investigation will begin; and*
    - (ii) *the results of the investigation, including:*
      - (A) *any recommendations arising out of the investigation; and*
      - (B) *the grounds for those recommendations.*

#### **108.075 - Power to Suspend Security Programme**

- (1) The Director may suspend any aviation security programme approved under these regulations or impose conditions in respect of any such security programme if he or she considers such action necessary in the interests of security, and if he or she:
- (a) considers such action necessary to ensure compliance with these regulations;
  - (b) is satisfied that the holder has failed to comply with any conditions of an aviation security programme; or
  - (c) considers that the privileges or duties for which the security programme has been approved are being carried out by the holder in a careless or incompetent manner.

#### **108.076 - General Power of Entry**

- (1) For the purpose of carrying out his or her functions, duties, or powers under these regulations, every person duly authorised by the Director shall have right of access at any reasonable time to the following:
- (a) any aircraft, airport, building, or place; and
  - (b) any document or record concerning any aircraft, aeronautical product, or aviation related service.
- (2) Without limiting the power conferred by subpart (1) of this section, every person duly authorised by the Director who has reasonable grounds to believe that:
- (a) any breach of these regulations is being or about to be committed;
  - (b) a condition imposed under any civil aviation security programme is not being complied with; or
  - (c) a situation exists within the civil aviation system or is about to exist that constitutes a danger to persons or property, may at any reasonable time enter any aircraft, airport, building, or place, and carry out an inspection to determine whether or not a matter referred to in paragraphs (a) to (c) of this subpart exists.
- (3) Every person who is authorised to have access to or to enter any aircraft, airport, building, or place under subpart (1) or subpart (2):
- (a) may require any person who is in possession of an aviation security programme, or of any certificate, book, manual, record, list, notice, or other document that is required to be kept under these regulations, to produce or surrender it; and
  - (b) must, if a document is surrendered under paragraph (a), inform the relevant aviation document holders orally, as soon as practicable, and in writing that the document has been surrendered.
- (4) Nothing in subpart (1) or subpart (2) of this section shall confer on any person the power to enter any dwelling house, unless the entry is authorised by a warrant given by a judicial officer on written application on oath, which shall not be granted unless the judicial officer

is satisfied that the entry is essential to enable the inspection to be carried out.

- (5) Every warrant issued under subpart (4) of this section shall be directed to a named person and shall be valid for a period of 1 month from the date of its issue or such lesser period as the judicial officer considers appropriate; and the period of validity shall be shown in the warrant.
- (6) Every person exercising the power of entry conferred by subpart (1) or subpart (2) of this section shall carry a proof of identity and authority, issued by the Director specifying:
  - (a) The name and the office or offices held by the person; and
  - (b) That the person is authorised by the Director to exercise the power conferred by subparts (1) and (2) of this section to enter aircraft, airports, buildings, and places, and to carry out such inspection.
- (7) Every person exercising the power of entry conferred by subpart (1) and (2) of this section shall produce the warrant of authority and evidence of identity:
  - (a) If practicable on first entering the aircraft, airport, building, or place; and
  - (b) Whenever subsequently reasonably required to do so.

#### **108.077 - Notification of Audits**

- (1) The LYCAA shall give at least two months' notice to the facility operator or service provider that is the subject of a security audit.
- (2) When an airport is to be audited, the LYCAA shall notify the appropriate airport authority accordingly.
- (3) When giving notice of an audit to the facility operator or service provider being audited, the LYCAA shall communicate a pre-audit questionnaire, for completion by the facility operator or service provider and a request for the following security documents;
  - (a) the approved facility or service provider security programme (where applicable);
  - (b) records, and results of any internal quality assurance audits undertaken;
  - (c) results of any investigations conducted into security incidents since the date of the last audit; and
  - (d) results of previous audits and/or inspections carried out by Authority designated auditors.
- (4) The completed questionnaire and the documents requested shall be submitted to the LYCAA within four (4) weeks of receipt of the audit notification.

#### **108.078 - 79. Conduct of Inspections and Audits**

- (1) A standard methodology shall be used to monitor compliance with the requirements laid down in the NCASP and relevant facility or service provider security programme.
- (2) Facility operators or service providers shall ensure that LYCAA auditors are accompanied at all times during the inspection or audit.
- (3) LYCAA auditors shall carry an identity card authorising inspections and audits on behalf of the Authority and an airport identification card allowing access to all areas required for inspection and audit purposes.
- (4) Tests shall only be performed after advance notification and agreement, in close coordination with the facility operator or service provider, to ensure their security, safety and effectiveness.
- (5) Without prejudice to 108.081, the LYCAA auditors shall, wherever appropriate and practicable, deliver an informal oral summary of their findings on the spot. In any case, the facility operator or service provider shall be informed promptly of any serious deficiencies identified by a LYCAA inspection and/or audit.

**108.079 - 80. Failure to Comply with Inspection or Audit Request**

- (1) Every person commits an offence who, without reasonable excuse, fails to comply with any requirement of the Director under subpart (4) of 108.072.
- (2) Every person who commits an offence against subpart (1) of this section is liable:

**108.080 - 81. Obstruction of Authorised Persons**

- (1) Every person commits an offence who obstructs or impedes any person who is duly authorised by the Director and acting in the performance or exercise of any functions, duties, or powers conferred on him or her by these regulations, and is liable.
- (2) Subpart (1) of this section shall apply only where the person obstructed or impeded produces evidence of his or her authority.

**108.081 - 82. Inspection and/or Audit Report**

- (1) Within six weeks of completion of an inspection or audit, an appropriate report shall be communicated by the LYCAA to the appropriate facility operator or service provider.
- (2) The report shall identify findings established during the inspection or audit and deficiencies. The report may contain recommendations for remedial action.
- (3) When assessing the implementation of the terms of the individual facility operator's, or service provider's approved security programme, and the requirements of the national civil aviation security programme, the following classifications shall apply:
  - (a) fully compliant;
  - (b) compliant, but improvement desirable;
  - (c) not compliant, with minor deficiencies;
  - (d) not compliant, with serious deficiencies;
  - (e) not applicable;
  - (f) not confirmed.

**108.082 - 83. Facility Operator or Service Provider Answer**

- (4) Within two (2) months of the date of dispatch of an inspection or audit report, the facility operator or service provider shall submit in writing to the LYCAA an answer to the report which:
  - (a) addresses the findings and recommendations;
  - (b) provides an action plan, specifying actions and deadlines, to remedy any identified deficiencies.
- (5) Where the inspection or audit report identifies no deficiencies, no answer shall be required.



## SUBPART 9 - MISCELLANEOUS

### 108.083 - Standards for Security Oversight

- (1) Any holder of an approved Security Programme to which these Regulations apply, shall ensure that:
  - (a) a person authorized to perform a security related function on his behalf has knowledge of:
    - (i) *the relevant provisions of these Regulations, applicable security instructions and information circulars promulgated pursuant to regulation 86; and*
    - (ii) *elements of the approved Security Programme required for the performance of his or her functions;*
  - (b) the Security Coordinator of a holder of an approved Security Programme:
    - (i) *reviews daily all security-related functions for effectiveness and compliance with:*
      - (A) *these regulations;*
      - (B) *the approved Security Programme; and*
      - (C) *applicable security instructions; and*
    - (ii) *immediately initiates corrective action for each instance of non-compliance with:*
      - (A) *these regulations;*
      - (B) *the approved Security Programme; and*
      - (C) *applicable security instructions.*
- (2) The requirements prescribed under subpart (1), shall apply to all security-related functions performed for the holder of an approved Security Programme whether by his employee or the employee of a contractor.
- (3) The holder of an approved Security Programme conducting operations in Libya shall not use any person to perform any required screening function, unless such person has:
  - (a) a combination of education and experience, which the Authority has determined is necessary for the person to perform his duties and as stipulated in the National Civil Aviation Security Training Programme and National Aviation Security Quality Control Programme;
  - (b) the following basic aptitudes and physical abilities:
    - (i) *the ability to distinguish on the X-ray monitor the appropriate imaging standard specified in his national aircraft operator security programme, or airport security programme including the perception of colours where displayed by the X-ray system;*
    - (ii) *the ability to distinguish each colour displayed on every type of screening equipment and explain what each colour signifies;*
    - (iii) *the ability to hear and respond to the spoken voice and to audible alarms generated by screening equipment in an active check point environment;*
    - (iv) *the ability to efficiently and thoroughly manipulate and handle such baggage, containers, and other objects subject to security processing; and*
    - (v) *the ability to have sufficient dexterity and capability to conduct partial and full body searches or hand held metal detector searches in accordance with the guidelines prescribed by the Authority;*
  - (c) the ability to read, write, and speak either Arabic or English well enough to:
    - (i) *carry out written and oral instructions in Arabic or English regarding the proper performance of screening duties;*
    - (ii) *read Arabic or English airport restricted area permits, credentials, airline*

- tickets, and labels on items normally encountered in the screening process;*
- (iii) *provide direction to and understand and answer questions from Arabic and/or English-speaking persons undergoing screening; and*
  - (iv) *write incident reports and statements and log entries into security records in the Arabic or English Language; and*
- (d) satisfactorily complete all initial, recurrent, and appropriate specialized aviation security training required by the Security Programme and the National Civil Aviation Security Training Programme.
- (4) Any holder of an approved Security Programme shall not use a person to perform a screening function after that person has failed an operational test related to that function, until such person has successfully completed the remedial training specified in his Security Programme, and has passed a re-test related to that function.
- (5) Any holder of an approved Security Programme shall ensure that a Security Coordinator conducts and documents an annual evaluation of each person assigned screening duties and may continue the employment of that person in a screening capacity only upon the determination by that Security Co-ordinator that the person:
- (a) has not suffered a significant diminution of any physical ability required to perform a screening function since the last evaluation of those abilities;
  - (b) has a satisfactory record of performance and attention to duty; and
  - (c) demonstrates the current knowledge and skills necessary to courteously, vigilantly, and effectively perform screening functions.
- (6) Subparts (1) through (5), shall not apply to those aviation security screening functions conducted outside Libya over which national aircraft operators do not have operational control.
- (7) At locations outside Libya where the national aircraft operator has operational control over a screening function, he may use aviation security screeners who do not meet the requirements of subpart (3) (c), provided that at least one of his representatives who has the ability to functionally read and speak the English language is present while the passengers of the aircraft operator are undergoing security processing.

#### **108.084 - Protection of Sensitive Security Information**

- (1) For the purpose of these Regulations the following information and records containing such information constitute sensitive security information:
- (a) an approved security programme for an aircraft operator, airport operator, regulated cargo agent, flight catering operator, tenant restricted area operator; or aviation service provider
  - (b) any security programme that relates to transportation by air and any comments, instructions or implementing guidance pertaining thereto;
  - (c) security instructions, information circulars and any comments, or implementing guidance pertaining thereto;
  - (d) any profile used in any security screening process, including for persons, baggage or cargo;
  - (e) any security contingency plan or information and any comments, or implementing guidance pertaining thereto;
  - (f) technical specifications of any device used for the detection of any deadly or dangerous weapon, explosive, incendiary, or destructive substance;
  - (g) a description of, or technical specifications of, objects used to test screening equipment;
  - (h) communication procedures and technical specifications of any security

communication equipment;

- (i) any information that the Director has determined may reveal a systemic vulnerability of the aviation system or a vulnerability of aviation facilities, to attack;
- (j) information concerning threats against civil aviation released by the Authority;
- (k) specific details of aviation security measures whether applied directly by the Authority or regulated parties and includes, but is not limited to, information concerning specific numbers of aviation security officers and aviation security screening officers, deployments or missions, and the methods involved in such operations;
- (l) any other information, the disclosure of which the Authority has prohibited; and
- (m) any draft, proposed or recommended change to the information and records identified in these Regulations.

### **108.085 - Issue of Security Instructions**

- (1) The Director may, for the purpose of implementation of any of the Security Programmes required under these regulations, issue a security instruction to any person to whom subpart (3) applies requiring him to take such measures as are specified in the instruction.
- (2) Where the Authority intends to issue a security instruction, they may seek the advice of the National Aviation Security Committee on the proposed instruction before issuing it.
- (3) This subpart applies to:
  - (a) the Airport Authority;
  - (b) the manager of an airport other than an airport which is principally used by aircraft in military service;
  - (c) any operator of an aircraft registered or operating in Libya;
  - (d) any person who occupies any land forming part of an airport;
  - (e) any person who is permitted to have access to a restricted area in an airport for the purposes of the activities of a business carried on by him;
  - (f) any person who manages navigational or other aviation related facilities that are important to the continued operation of international civil aviation; and
  - (g) any person who carries on a business:
    - (i) *which involves handling of any article intended to be carried into an airport for any purpose;*
    - (ii) *which involves provision of service by personnel who have access to a restricted area; or*
    - (iii) *which, in the opinion of the Authority, otherwise impinges on the security of an airport.*

- (4) The Director may, by a security instruction:
  - (a) revoke wholly or partly another security instruction issued previously; and
  - (b) modify another security instruction issued previously in such manner as he thinks fit.
- (5) Any person who without reasonable excuse fails to comply with the requirements of a security instruction issued to him commits an offence and is liable.

#### **108.086 - Requirements of Security Instructions**

- (1) A security instruction shall be issued in writing.
- (2) A security instruction may:
  - (a) be either of a general or of a specific character;
  - (b) require any measure to be taken, or require any person not to cause or permit anything to be done, at such time and during such period as may be specified in the instruction;
  - (c) require different measures be taken in relation to different kinds or levels of threat specified in the instruction;
  - (d) specify:
    - (i) *the minimum number of persons to be employed for the purposes of implementing any measures required to be taken by the person to whom it is issued;*
    - (ii) *the manner in which persons employed for such purposes are to be deployed; and*
    - (iii) *the qualifications which persons employed for such purposes are to have; and*

- (e) specify any apparatus, equipment or other aids to be used for such purposes.
- (3) A security instruction to any person not to cause or permit anything to be done shall be construed as requiring him to take all such steps as in any particular circumstances are practicable and necessary to prevent that thing from being done.

#### **108.087 - Implementation of Security Instructions**

- (1) Any person who receives a security instruction shall:
  - (a) no later than twenty-four hours after delivery by the Authority or within the time prescribed in the security instruction, acknowledge receipt of such security instruction;
  - (b) within the time prescribed in such security instruction, specify the method by which he has implemented or plans to implement the measures contained in the security instruction; and
  - (c) ensure that information regarding the security instruction and measures implemented in response to such security instruction are distributed to specified personnel as prescribed in the security instruction and to other personnel who require to have such information for the performance of their functions.
- (2) In the event that a person to whom a security instruction has been issued, is unable to implement the measures contained in the security instruction, received under subpart (1), he shall submit proposed alternative measures, to the Director within the time frame for compliance prescribed in the security instruction.
- (3) The Director shall review alternative measures submitted by the person to whom a security instruction has been issued, under subpart (2), and where he is satisfied that they meet the requirements of the security instruction, he may approve such alternative measures.
- (4) The person to whom a security instruction has been issued shall implement any alternative measures approved by the Director under subpart (3).
- (5) Any person who receives a security instruction under 108.085, shall:
  - (a) restrict the availability of the security instruction and information therein to those persons who require such information for the performance of their functions; and
  - (b) refuse to release the security instruction or information circular and information regarding the security instruction or information circular to other persons without the prior written consent of the Authority.

#### **108.088 - Offences and Penalties**

- (1) Any person who contravenes any of these regulations shall be guilty of an offence and shall be liable.

#### **108.089 - Amendment of Regulations**

- (1) The Director may amend any of these Regulations when appropriate.